

Applicants initially note that the Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For the reasons identified below, Applicants submit that the Examiner has failed to establish anticipation of at least independent claims 1 and 26-34 by the Engstrom reference.

Each of independent claims 1, 26 and 27 calls for transmission of at least one of an uplink access signal and an uplink timing synchronization signal from a mobile station to a base station in a particular one of a set of recurring intervals in which regular uplink data transmission from at least one additional mobile station to the base station is at least partially suspended. Engstrom not only fails to teach or suggest this limitation, but in fact actively teaches away from it.

The Examiner in formulating the §102(e) rejection argues that the Engstrom reference in the abstract and columns 6-12 teaches the above-noted limitation of claims 1, 26 and 27. Applicants respectfully disagree. The Engstrom reference is clearly directed to a system which utilizes an entirely separate random access channel to communicate an uplink access signal from a mobile station to a base station. Regular uplink data transmission between mobile stations and the base station in Engstrom occur in “other channels . . . that carry modulated information,” such as the Dedicated Information Channel (DICH), as is stated in Engstrom, at column 8, lines 4-8. It can be seen in FIG. 6 of Engstrom that the random access channel (RACH) is entirely separate from the DICH channels of mobile stations denoted User 1 and User 2.

Other portions of Engstrom further illustrate the fact that the random access channel described therein is separate from the channels used for uplink data transmission. For example, Engstrom at column 7, lines 17-37 states as follows regarding the various types of random access channel that may be implemented, with emphasis supplied:

The three types of random access channel are herein denoted as type 1, type 2 and type 3.

A type 1 random access channel carries the random access sequence on all available sub-carriers. The m-sequence has a length of 511 symbols. This type of random access channel operates at very low SNR so that the random access does not disturb other traffic.

A type 2 random access channel is similar to type 1 random access channel in that the m-sequence is placed on all sub-carriers. However, some of these sub-carriers are dedicated to the random access channel, and these are not available to other users, and use a higher power than the other sub-carriers.

A type 3 random access channel uses only dedicated sub-carriers for the random access sequence. As in type 2 random access channel, dedicated sub-carriers are not available to other users so the SNR will be significantly better. The m-sequence will, however, be much shorter than the 511 symbol m-sequence used in the type 1 random access channel because only a limited number of sub-carriers are allocated to the random access channel.

Since Engstrom uses uplink random access channels that are separate from uplink data transmission channels, transmission of an uplink access signal or an uplink timing synchronization signal from a given mobile station to a base station in Engstrom does not occur in a particular one of a set of recurring intervals in which regular uplink data transmission from at least one additional mobile station to the base station is at least partially suspended. More specifically, since Engstrom teaches to use separate channels for uplink access and data communications between the mobile station and the base station, there is absolutely no need whatsoever to interrupt regular uplink data transmissions from any other mobile station in order to allow the given mobile station to transmit an uplink access signal or an uplink timing synchronization signal. Engstrom, by teaching the use of completely separate uplink random access channels, therefore actively teaches away from the above-noted limitation of claims 1, 26 and 27 relating to transmission of an uplink access signal or an uplink timing synchronization signal from a mobile station to a base station in a particular one

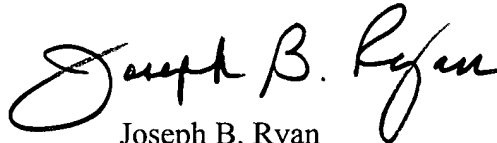
of a set of recurring intervals in which regular uplink data transmission from at least one additional mobile station to the base station is at least partially suspended.

Since Engstrom fails to teach or suggest the limitations of each of independent claims 1, 26 and 27, these claims are not anticipated by Engstrom. Independent claims 28-34 include limitations that are similarly not met by the teachings of Engstrom, and are believed allowable for substantially the same reasons identified above with regard to claims 1, 26 and 27.

Dependent claims 2-4, 6-14, 16-21 and 25 are believed allowable at least by virtue of their dependence from independent claim 1. These claims are also believed to define additional separately-patentable subject matter relative to Engstrom.

In view of the above, Applicants believe that claims 1-34 are in condition for allowance, and respectfully request withdrawal of the §102(e) rejection.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible.

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